

## CHAPTER 231

[Engrossed Senate Bill No. 2402]

## INDUSTRIAL INSURANCE COMPENSATION—OVERPAYMENT RECOVERY

AN ACT Relating to industrial insurance; amending section 3, chapter 286, Laws of 1975 1st ex. sess. as last amended by section 1, chapter ... (SSB 2317), Laws of 1979 1st ex. sess. and RCW 51.32.220; creating a new section; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 3, chapter 286, Laws of 1975 1st ex. sess. as last amended by section 1, chapter ... (SSB 2317), Laws of 1979 1st ex. sess. and RCW 51.32.220 are each amended to read as follows:

(1) For persons under the age of sixty-two receiving compensation for temporary or permanent total disability pursuant to the provisions of chapter 51.32 RCW, such compensation shall be reduced by an amount equal to the benefits payable under the federal old-age, survivors and disability insurance act as now or hereafter amended not to exceed the amount of the reduction established pursuant to 42 USC 424a. However, such reduction shall not apply when the combined compensation provided pursuant to chapter 51.32 RCW and the federal old-age, survivors and disability insurance act is less than the total benefits to which the federal reduction would apply, pursuant to 42 USC 424a. Where any person described in this section refuses to authorize the release of information concerning the amount of benefits payable under said federal act the department's estimate of said amount shall be deemed to be correct unless and until the actual amount is established and no adjustment shall be made for any period of time covered by any such refusal.

(2) Any reduction under subsection (1) of this section shall be effective the month following the month in which the department or self-insurer is notified by the federal social security administration that the person is receiving disability benefits under the federal old-age, survivors and disability insurance act: PROVIDED, That in the event of an overpayment of benefits the department or self-insurer may not recover more than the overpayments for the six months immediately preceding the date the department or self-insurer notifies the worker that an overpayment has occurred: PROVIDED FURTHER, That upon determining that there has been an overpayment, the department or self-insurer shall immediately notify the person who received the overpayment that he or she shall be required to make repayment pursuant to ((this act)) this section and RCW 51.32... (section 2, chapter ... (SSB 2317), Laws of 1979 1st ex. sess.).

(3) Recovery of any overpayment must be taken from future ((month-ly)) temporary or permanent total disability benefits or permanent partial disability benefits provided by this title ((and may)). In the case of temporary or permanent total disability benefits, the recovery shall not exceed

twenty-five percent of the monthly amount due from the department or self-insurer or one-sixth of the total overpayment, whichever is the lesser.

(4) No reduction may be made unless the worker receives notice of the reduction prior to the month in which the reduction is made.

(5) In no event shall the reduction reduce total benefits to less than the greater amount the worker may be entitled to under this title or the federal old-age, survivors and disability insurance act.

(6) The director, pursuant to rules adopted in accordance with the procedures provided in the administrative procedure act, chapter 34.04 RCW, may exercise his discretion to waive, in whole or in part, the amount of any overpayment where the recovery would be against equity and good conscience.

NEW SECTION. Sec. 2. This 1979 act applies to all cases in which notification of the first reduction in compensation pursuant to RCW 51.32-.220 is mailed after the effective date of this 1979 act, regardless of when the basis, authority, or cause for such reduction may have arisen. To such extent, this 1979 act applies retrospectively, but in all other respects it applies prospectively.

NEW SECTION. Sec. 3. If any provision of this 1979 act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate May 25, 1979.

Passed the House May 14, 1979.

Approved by the Governor June 15, 1979.

Filed in Office of Secretary of State June 15, 1979.

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## CHAPTER 232

[Engrossed Substitute Senate Bill No. 2505]

### LOCAL JAILS—IMPROVEMENT AND CONSTRUCTION—STATE BOND ISSUE—OPERATION, DETENTION STANDARDS

AN ACT Relating to the support of state government; providing for the planning, acquisition, construction, remodeling, furnishing and equipping of certain jail buildings and facilities; providing for the financing thereof by the issuance of bonds and anticipation notes; amending section 2, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.020; amending section 3, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.030; amending section 5, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.050; amending section 6, chapter 316, Laws of 1977 ex. sess. as amended by section 170, chapter 151, Laws of 1979 and RCW 70.48.060; amending section 7, chapter 316, Laws of 1977 ex. sess. as amended by section 2, chapter 147, Laws of 1979 and RCW 70.48.070; amending section 9, chapter